



## DIVISION ON DEAF AND HARD OF HEARING

### DODHH E-Newsletter for the Week of January 1, 2013



**Dale G. Moore**

#### **Detroit Spreads Christmas Cheer to Deaf Family in Need**

For one Detroit deaf man, Christmas is an opportunity to celebrate and share his blessings with other deaf families in need.

For the last three years, Dale Moore has spent the holiday spreading Christmas cheer to other deaf individuals and families in need. Dale 'adopts' the family for the holidays by providing food, gifts and other items the family may need.

The practice began when Dale noticed deaf people are often overlooked by organizations that give to the needy. He knew there were deaf people in need that didn't know how to get assistance from community groups such as the Old Newsboys and that communication barriers often exist that hinder deaf people in seeking and obtaining help.

"There are a lot of deaf people in need. Many deaf people are unable to find work and have limited family support systems," says Dale. "Deaf people have a hard time, like the rest of the community, and certainly there are those of us who can make a difference by making things easier and brighter for others on this very special day. For me it's about giving from the bottom of my heart. It makes me feel good to see the smiles on their faces when I give."



This year Dale selected a young expectant mother and her daughter to share his Christmas spirit with. He gifted Crystal and her daughter with baby clothes, bottles, toys for her daughter and other essential items for a newborn. The mother-to-be especially liked the new diaper bag. Dale took the time to share words of encouragement with Crystal and to play with Crystal's daughter.

"It is a wonderful feeling to know that I have the ability to do something good for others and that I am giving back to the deaf community which I am a part of," says Dale. He is employed by Comcast, where he has worked for 14 years.



#### **Best Wishes and Congratulations, Anthony LaPerna**

As many interpreters, students, and Deaf community members have heard, Tony LaPerna Jr. - Sign Language interpreter and interpreter instructor/mentor, will be

leaving the Detroit area. Tony has been promoted to the manager position of the Sorenson Video Relay Center in Chicago.

Tony has been interpreting in various communities for over 20 years. In the six years he has lived in Michigan, he often volunteered his time to interpret for breast cancer events. He also assisted the DODHH with various endeavors and is a staunch supporter of the Deaf Persons' Interpreter Act; interpreting regulation.

Originally from Ohio, LaPerna moved to Michigan six years ago and quickly became an oft requested interpreter and instructor. A self-described Apple fanatic, he could also be counted on to help people with their iPhones and iPads—discovering new apps. Tony is a proud alumnus of the National Technical Institute for the Deaf (NTID) Interpreter Training Program.

"The offer to lead and shape the advancement of the video interpreting profession represents a truly extraordinary professional opportunity. At the same time, it allows me to serve the Deaf community," LaPerna stated. "The Chicago Sorenson team has made me feel so welcome. I look forward to this new challenge but Detroit will maintain a special place in my heart."

LaPerna will officially assume his new post on January 16<sup>th</sup>.

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### DHHS 18th Annual Silent Celebration

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Deaf and Hard of Hearing Services (DHHS), a 501(c)3 non-profit serving West Michigan since 1996, assists individuals with deafness and hearing loss through equipment distribution, advocacy, employment training, interpreter services, KidSigns and American Sign Language classes.



DHHS serves approximately 3,500 individuals per year. The staff and many volunteers have personal experience with hearing loss, whether it is themselves, a family member, or friend. DHHS can be found on Facebook, Twitter and the DHHS web site, [www.deafhhs.org](http://www.deafhhs.org).



DHHS is hosting its 18th annual Silent Celebration on June 8, 2013 from 11 am until 3 pm at Douglas Walker Park, 1195 84th St SW, Byron Center, MI, 49315. Silent Celebration is regarded as DHHS' main event of the year, attracting approximately 200-225 people. DHHS takes this unique opportunity for fellowship, culture, sign language, and to acknowledge all people who support this community. Vendors and sponsors like you continue keeping costs low for people to enjoy the event **and** help DHHS continue programs.

Silent Celebration will have a dunk tank, moonwalk, children's games, BBQ lunch, raffle prize and booths! For more information on becoming a vendor or participating please contact Scot A Pott, Community Relations Coordinator at [spott@deafhhs.org](mailto:spott@deafhhs.org) or (616) 828-0146.

## What is the “Fiscal Cliff?” How Do You Sign it?



“Fiscal cliff” is the phrase used to describe the possible problems that the government faced if Congress and the President failed to agree on a budget at the end of December. The Budget Control Act of 2011 requires a series of tax increases as well as other actions. These actions included a two percent tax increase for most workers. Business taxes would also increase. Deep automatic budget cuts were also

scheduled to happen with Medicare, defense, and unemployment. There was fear that if Congress didn’t act before the end of December, the economy would go into a negative tailspin. Congress and the President reached an agreement one day after the deadline. It is expected the agreement will be retroactive (covering dates when there was no agreement).

How do you sign it?

Example 1: Tax money increase

Example 2: Finance - (fingerspell) cliff

Example 3: Money crisis government

Example 4: Terrible money problem happen. Congress /President decide now. Can’t wait.



## Justice Department Reaches Settlement with Law Firm Over Discrimination Against Deaf Individuals

Thursday, January 3, 2013

The Justice Department today announced a settlement agreement with Peroutka and Peroutka P.A., a debt collection law firm based in Pasadena, Md., to resolve allegations that the law firm violated the Americans with Disabilities Act (ADA) by discriminating against people who are deaf.

The settlement agreement resolves two complaints alleging that Peroutka discriminated against deaf individuals by refusing to accept Video Relay Service calls, which were necessary for the complainants to communicate by phone with Peroutka employees. According to the complaint, Peroutka employees also hung up on one complainant and informed the other complainant that Peroutka could not assist her and that she had to call back at a specific time when a manager was present.

“People with disabilities cannot be denied services simply because they use alternative ways to communicate,” said Assistant Attorney General Thomas E. Perez. “The ADA does not tolerate this type of discrimination and neither does the Justice Department.”

Under the settlement, Peroutka is required to pay \$30,000 in compensation to the complainants, to revise its policies and procedures to ensure that the office accepts Video Relay Service calls and treats people with disabilities equally, and to train its employees on the ADA’s obligations.

Title III of the ADA prohibits discrimination against people with disabilities at places of public accommodation, including law firms. Among other things, Title III requires public accommodations to afford people with disabilities full and equal enjoyment of their goods, services, and facilities. The ADA also requires public accommodations to make reasonable modifications to their policies, practices, and procedures when necessary to afford equal access to people with disabilities, unless doing so would fundamentally alter the goods or services provided.

Those interested in learning more about this settlement or an entity's obligations under the ADA may call the Justice Department's toll-free ADA Information Line at 800-514-0301 (TDD 800-514-0383) or access its ADA website at [www.ada.gov](http://www.ada.gov). Additionally, ADA complaints may be filed by email to [ada.complaint@usdoj.gov](mailto:ada.complaint@usdoj.gov).

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## MIXED MESSAGE2

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### Rulings Send Mixed Message on ADA and Deaf Access to Web Commerce



In October, Netflix reached a deal to end a lawsuit over closed captioning of streamed movies and TV shows. In June, a federal judge in Springfield found Netflix and other online providers that serve the public are subject to the federal Americans with Disabilities Act, the first ruling in the country to recognize that Internet-based businesses are covered by the act. Such Web-based businesses did not exist when the law was enacted in 1990, but according to the judge, it was intended to adapt to technology changes.

But yesterday in Missouri, a federal judge indicated ADA did not apply to online commerce.

### Deaf Web User Loses Discrimination Case Against eBay

by Wendy Davis, Online Media Daily Thursday, January 3, 2013

A federal judge has slammed the courthouse door shut on a deaf Web user who filed a discrimination lawsuit against eBay.

Missouri resident Melissa Earll argued that eBay's merchant verification policy, which she said requires sellers to use a telephone to confirm their identities, made it impossible for her to sell goods on the service. She argued that eBay was violating the federal Americans with Disabilities Act as well as California's Unruh Act -- a civil rights law that prohibits intentional discrimination.



Late last month, U.S. District Court Judge Edward Davila dismissed Earll's claims regarding the Unruh Act. He ruled that Earll's allegations didn't amount to intentional discrimination because eBay's telephone policy was "facially neutral" -- even though it allegedly had a disparate impact on her.

Davila had earlier dismissed Earll's ADA claims on the theory that the federal law doesn't apply to online companies like eBay. The 1990 statute, which prohibits discrimination against people with disabilities, says it applies to "places of public accommodation."

The rulings likely mean that Earll's only hope of proceeding with her case against eBay is to convince an appellate court to side with her. Her lawyer, Michael Aschenbrener of San Francisco, says that he and Earll are still evaluating their options and "will make a decision on any potential appeal very shortly."

He added, "The idea that disabled persons should not have the same rights to the Internet as non-disabled persons is absurd and offensive."

The case dates to 2010, when Earll alleged in a potential class-action lawsuit that she was unable to register as a seller with eBay because of its verification procedures. She said that eBay gives prospective merchants passwords over the telephone; those passwords must then be entered online. Earll, who said she couldn't follow those procedures because she is "profoundly deaf," alleged that she spent months asking eBay for an alternative verification system.

Many other judges have said that the ADA doesn't cover businesses that lack brick-and-mortar storefronts. But one federal judge recently came to the opposite conclusion in a lawsuit against Netflix. In that case, U.S. District Court Judge Michael Ponsor in Massachusetts allowed the National Association of the Deaf to proceed with charges that Netflix discriminates by failing to provide closed captioning online. Ponsor specifically rejected Netflix's argument that its online video service isn't a "place of public accommodation" under the ADA.

Netflix settled the lawsuit in October by agreeing to offer closed captioning on streaming video.

## Position Opening

Washington State Office of the Deaf and Hard of Hearing within the Department of Social and Health Services is seeking a qualified hearing or deaf professional to administer its sign language interpreter services and related contracts. This position is located in Olympia, Washington and is a full-time position.

For more information you can see the job posting by clicking on the following: Social and Health Program Consultant 1 2012-13036. Interested applicants can apply online through [www.careers.wa.gov](http://www.careers.wa.gov).

If you have questions about this announcement, please call Cecilia Garcia (360) 725-5874 or email [Cecilia.Garcia@dshs.wa.gov](mailto:Cecilia.Garcia@dshs.wa.gov).



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